

Remarks

Applicants reserve the right to prosecute in one or more divisional applications whatever subject matter is not allowed here. Claims 1-8 and 13-16 are now pending and before the Examiner in this application.

The Examiner rejected claims 11 and 12 under 35 USC 112 asserting that the specification was not enabling for any group converted to a carboxy and any group replacing the amino and the imino group. Claims 11 and 12 have been withdrawn and new claims 15 and 16 are submitted. Claims 15 and 16 recite specific groups which may be converted in vivo. Support for claim 15 and 16 can be found in the specification at page 6 second to last paragraph to page 8 end of the first paragraph for claim 15 and page 8 beginning line 6 to page 10 for claim 16. No new matter has been added by these amendments and therefore applicant respectfully requests that the Examiner enter the amendments presented.

The Examiner also rejected claims 11 under 35 U.S.C. 112 as being indefinite and specifically on the assertion that the recitation of the term “a group which is negatively charged under physiological conditions” is unclear. This ground for rejection is removed by the new claim 15 which recites the use of specific markush groups.

The Examiner also rejected claims 11 and 12 under 35 U.S.C. 112 asserting in the case of claim 11 that the recitation of the phrase “by a group which is negatively charged under physiology conditions” is indefinite. Said group refers to groups of compounds of claim 1 and as indicated on page 6, line 17-20 in the specification. The Examiner rejected claim 12 asserting that “the amino and imino groups are replaced by a group that may be cleaved” is indefinite. Said group refers to groups of compounds of claim 1 and as indicated in page 6, line 22-24 in the specification.

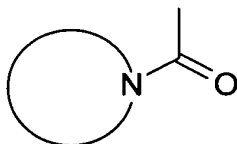
Similarly the Examiner also rejected claim 12 under 35 U.S.C. 112 as being indefinite on the assertion that the term “the amino and imino groups are replace by a group that may

be cleaved” is unclear. This ground for rejection is addressed by the new claim 16 which recites the use of specific markush groups.

The Examiner rejected claims 1, 4 and 5 under 35 U.S.C. 112 as being indefinite. Specifically, the Examiner asserts that claim 4 and 5 recite the limitation “of the pyrrolidinyl carbonyl, and piperdiny carbonyl” and that there is insufficient antecedent basis for this limitation and that there is not indication in the claims that R1 is a hetero ring linked via a carbonyl to a phenyl ring. Applicant respectfully submits that the Examiner withdraw this ground for rejection for the following reason. Antecedent basis for said limitation can be found in claim 1, lines 22-23 wherein the following limitation can be found:

**“a 4- to 7-membered cycloalkyleneiminocarbonyl or
cycloalkyleneiminosulphonyl group optionally substituted by a C₁₋₃-alkyl group,”**

said limitation provides antecedent basis for a hetero ring. The term “4- to 7-membered cycloalkyleneiminocarbonyl” refers to saturated ring structures having the structure:



The nomenclature for the term “cycloalkyleneimino” can be found in the art to describe heteroaryl structures and is used in numerous patents including U.S. Patent Nos. 6,638,965 and 4,287,199. U.S. Patent No. 4,287,199 recites the pyrrolidinyl and piperdiny as examples of cycloalkyleneimino groups. Therefore, pyrrolidinyl carbonyl, and piperdiny carbonyl have antecedent basis in claim 1. Applicant respectfully requests that the Examiner withdraw this ground for rejection.

The Examiner rejected claim 1 under 35 U.S.C. 112 asserting that it was unclear what was meant by the heteroaryl group in R5. Applicant has amended claim 1 placing a line space after the second line of the definition of R5 (line 47 of the amended claim). The

line space improves the syntax of the claim and more clearly indicates that the term “heteroaryl” is to refer to the heteroaryl groups provided in R1 to R4.

The Examiner rejected claims 6-8 under 35 U.S.C. 112 as being indefinite. Specifically, the Examiner asserts that the recitation of the term “said amidino group” is indefinite. Applicant has amended claims 6-8 by adding the restriction that term “R5 is an amidino group optionally substituted by one or two C₁₋₃ alkyl groups” into claims 6-8.

Applicants respectfully submit that all the pending claims are allowable and therefore solicits a Notice of Allowance for all of the pending claims. If the Examiner feels that a telephone interview would be helpful in advancing prosecution of this application, the Examiner is invited to contact the attorney below.



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1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 19, 2003.

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December 19, 2003

Dated

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